

The Patent Office,
Concept House,
Cardiff Road,
Newport,
South Wales NP10 8QQ

29 March 2005

Our Ref: PA/GH03 GB

Dear Sirs,

UK Patent Application No 0406799.7
Handley Kuester Limited

With reference to the combined search and examination report under Sections 17 & 18(3), we confirm for the avoidance of doubt, that the Küster highchair illustrated and described in the cited Documents 1 and 2 relates to the product supplied from the Applicants to the John Lewis Partnership. However, the Applicants and our investigations have confirmed that the cited Documents 1 and 2 of the report could not have been made publicly available before the priority date claimed for the present application, namely 28 March 2003.

The Applicants have confirmed that the product was not made known publicly until after 28 March 2003. They state that the John Lewis Partnership did not include it in their nursery range until near Christmas 2003, and that the product itself was first delivered to the partnership in February 2004. Moreover, our own enquiries of the John Lewis Partnership confirm that the cited web-pages were not published before the claimed priority date in that their quoted Stock Numbers 320 11161 and 11162 were not issued by them for the highchair until 24 May 2003. Fundamentally therefore, it was not until late May 2003 that the John Lewis Partnership first decided that the highchair would be included in their product range, so advertisement of it by them would not have pre-dated this.

The "2001-2004" of the copyright notices on Document 1, are not conclusive as to the date, or even year, of publication of the illustrations and descriptions of the subject highchair on the web-site. The quoted range of years is merely indicative in the present context that some of the material derived from the year 2001 and 2002 and some from the years 2003 and 2004, but there is no indication of which year applies to which material, and in particular, to the illustrations and description of the high chair. Applicants' assertion and the result of our

enquiries referred to above, point incontrovertibly to the publication date being after the claimed priority date. Moreover, the notice "2003-2004" for the "Christmas guide" of Document 2 places publication of that citation at or just before December 2003, clearly after the claimed priority date.

It is submitted that the priority date of the invention claimed in the present application and of all matter contained therein, is 28 March 2003, and accordingly that the invention claimed meets the requirements as to patentability over the disclosures of the cited Documents 1 and 2.

Copies of new pages 2 and 4 are filed herewith to replace the original pages 2 and 4 by way of correction of the errors identified by the Examiner. Duplicate copies of the new pages 2 and 4 are being filed with a confirmation copy of this letter filed by fax.

It is believed that with the corrections now made, the application is in order for grant.

The Applicants have an international patent application (published as WO 2004/084680) corresponding to the present application, and are aware of the possibility of conflict with any patent granted on the present application. Any steps necessary to avoid conflict of this nature, will be taken.

Yours faithfully,

Graham F Coles
Agent for the Applicants

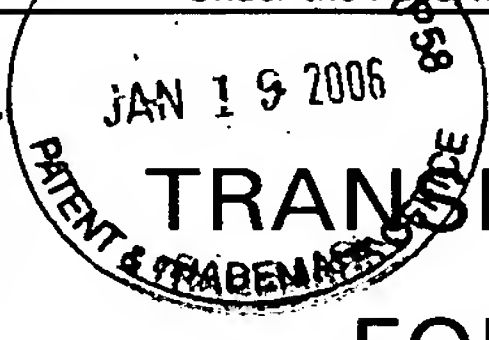
IAPS Rec'd PCT/PTO 19 JAN 2006

PCT PTO/SB/21 (12-97)

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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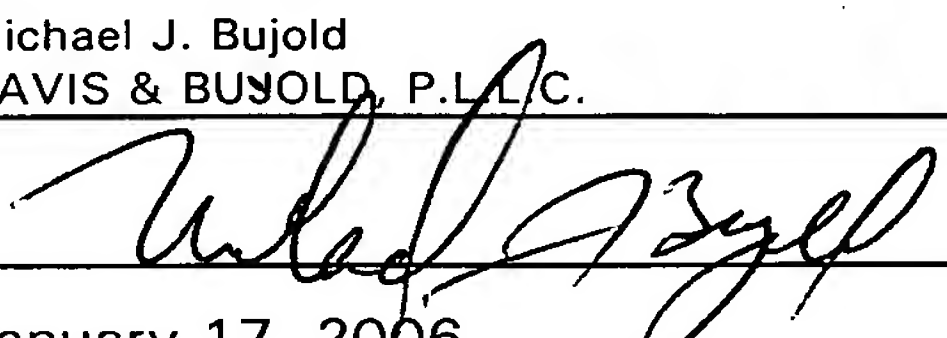
 TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/554,592
	Filing Date	with an effective filing date of March 26, 2004
	First Named Inventor	Stephen Michael KUESTER
	Group Art Unit	
	Examiner Name	
Total No. of Pages in this Submission 20	Attorney Docket Number	COLGRA P60AUS

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request (in Duplicate) <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Addendum to Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Part/s Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Petition <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): 2 Citations - 3 pgs. Copy of Search Report - 1 pg. Copy of March 29, 2005 Response - 2pgs Copy of Appl. No. 0406799.7 - 11pgs. Postcard
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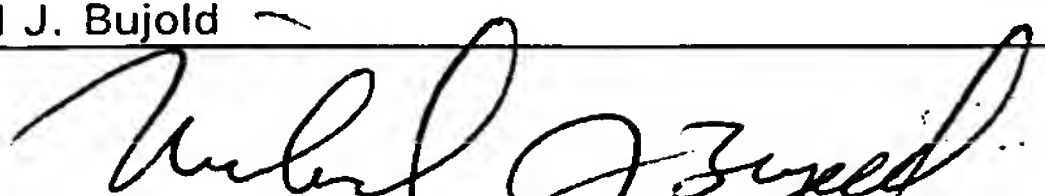
REMARKS

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Michael J. Bujold DAVIS & BUJOLD, P.L.L.C.	Reg. No. 32,018 CUSTOMER NO. 020210
Signature		
Date	January 17, 2006	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 11, 2006.

Type or printed name	Michael J. Bujold
Signature	 Date: January 17, 2006 (aag)